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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,471	02/13/2004	Bradford G. Baruh	033151-026	5526

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EXAMINER	
DUNWOODY, AARON M	

ART UNIT	PAPER NUMBER
3679	

NOTIFICATION DATE	DELIVERY MODE
12/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/779,471	BARUH, BRADFORD G.	
	Examiner	Art Unit	
	AARON DUNWOODY	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2011*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-5,11,23-27 and 29-35* is/are pending in the application.

5a) Of the above claim(s) *33-35* is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-5,11,23-27 and 29-32* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

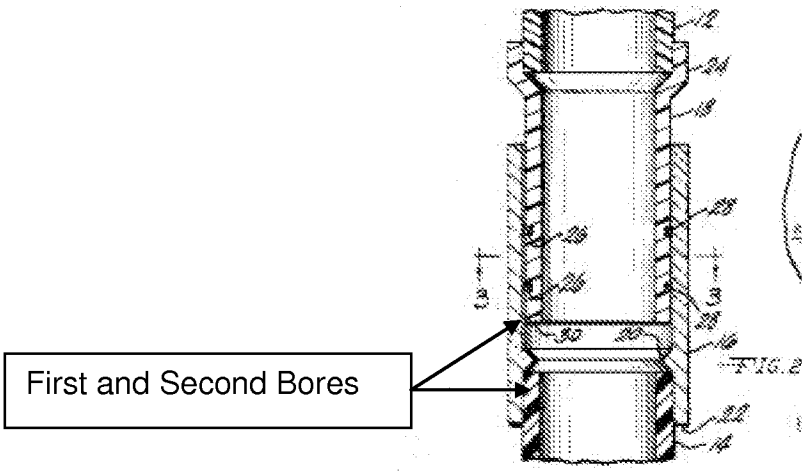
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 11, 23-27, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 3594021, Williams in view of US patent 5499882, Waterhouse.

In regards to claim 1, in Figure 2 below, Williams discloses a pipe coupling (16) comprising: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a stop (20) located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.



Williams does not disclose an angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees. Waterhouse teaches couplings (1, 5, 6, 9, 13, 14) with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to employ different angles for conventional plumbing (col. 1, lines 45-57). As Waterhouse relates to geometrical structures using plumbing joints, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate couplings with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to employ different angles for conventional plumbing, as taught by Waterhouse.

In regards to claim 2, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 45 degrees.

In regards to claim 3, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 60.

In regards to claim 4, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 90.

In regards to claim 5, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 120 degrees.

In regards to claim 11, Williams in view of Waterhouse disclose a pipe coupling consisting of: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein the angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.

In regards to claim 23, Williams in view of Waterhouse disclose a pipe coupling comprising: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a single stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical

bore extending from the second end to the stop, wherein an angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees.

In regards to claim 24, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 45 degrees.

In regards to claim 25, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 60.

In regards to claim 26, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 90.

In regards to claim 27, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 120 degrees.

In regards to claim 29, Williams discloses the stop being a single stop located on the inner diameter of the housing.

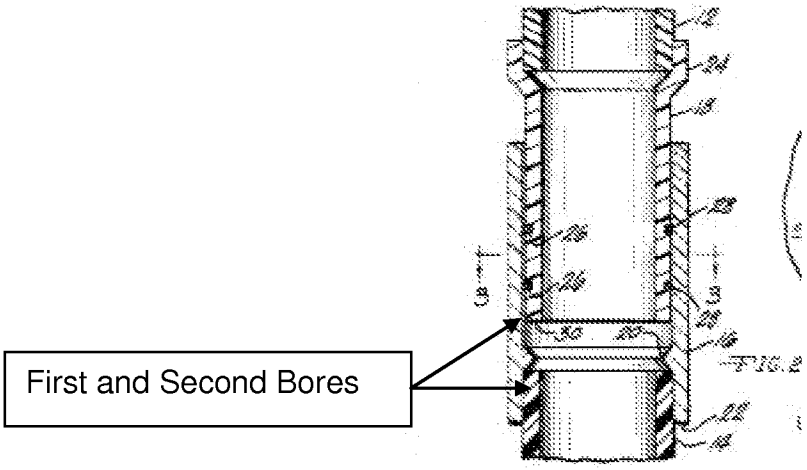
In regards to claim 30, Williams discloses the stop being a single stop located on the inner diameter of the housing.

In regards to claim 31, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 45 degrees to about 135 degrees.

In regards to claim 32, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 60 degrees to about 90 degrees.

Claims 1, 6, 11, 23 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 3594021, Williams in view of US patent 4676241, Webb et al.

In regards to claim 1, in Figure 2 below, Williams discloses a pipe coupling (16) comprising: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a stop (20) located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.



Williams does not disclose an angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees. Webb et al teach a coupling (31) with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to change the direction of medium flow. As Webb et al relate to ventilation tubes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate couplings with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to change the direction of medium flow.

Further, a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In regards to claim 6, Webb et al further disclose the angle between the first cylindrical bore and the second cylindrical bore is about 135 degrees.

In regards to claim 11, Williams in view of Webb et al disclose a pipe coupling consisting of: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein the angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165

degrees, and wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop.

In regards to claim 23, Williams in view of Webb et al disclose a pipe coupling comprising: an elongated housing having a first end and a second end, the housing defining an elongated bore therein; a single stop located on an inner diameter of the housing, the stop located between the first end and the second ends of the housing, wherein a distance from the stop to one of the first and second ends is at least two times a distance from the stop to the other of the first and second end of the housing; a first cylindrical bore extending from the first end to the stop; and a second cylindrical bore extending from the second end to the stop, wherein an angle between the first cylindrical bore and the second cylindrical bore is about 15 degrees to about 165 degrees.

In regards to claim 28, Waterhouse further discloses the angle between the first cylindrical bore and the second cylindrical bore is about 135 degrees.

In regards to claim 29, Williams discloses the stop being a single stop located on the inner diameter of the housing.

In regards to claim 30, Williams discloses the stop being a single stop located on the inner diameter of the housing.

In regards to claim 31, Webb et al further disclose the angle between the first cylindrical bore and the second cylindrical bore is about 45 degrees to about 135 degrees.

Response to Arguments

Applicant's arguments filed 11/14/2011 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, as Waterhouse relates to geometrical structures using plumbing joints, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate couplings with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to employ different angles for conventional plumbing, as taught by Waterhouse. Also, as Webb et al relate to ventilation tubes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate couplings with an angle between a first cylindrical bore and a second cylindrical bore being about 15 degrees to about 165 degrees, to change the direction of medium flow.

Applicant argues various not being illustrated by Ezaki or McIlroy. The Examiner neither agrees nor disagrees. The Examiner did not utilize an Ezaki or McIlroy reference

in his rejection, so any arguments made in regards to Ezaki or McIlroy are not understood.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON DUNWOODY whose telephone number is (571)272-7080. The examiner can normally be reached on 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AARON DUNWOODY/
Primary Examiner, Art Unit 3679

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